

REMARKS

Claims 1-52 are pending in the present application. In the Office Action mailed December 28, 2006, the Examiner rejected claims 39-42 and 49-51 under 35 U.S.C. §102(b) as being anticipated by DE 83 08 999.3. The Examiner next rejected claims 43 and 44 under 35 U.S.C. §103(a) as being unpatentable over DE '999.3 in view of Andersen (USP 6,590,184).

Claims 45-48 were indicated as containing allowable subject matter. Such indication is appreciated.

The Examiner failed to set forth a specific rejection regarding claim 52. Applicant respectfully requests clarification on the status of claim 52 in a next Non-Final Office Action, and if the claim is rejected, the basis for such rejection.

The Examiner rejected claim 39 under 35 U.S.C. §102(b) as being anticipated by DE 83 08 999.3 ('999.3). While Applicant respectfully disagrees with the rejection, Applicant has nonetheless elected to amend claim 39 to further clarify what is being called for therein. As amended, claim 39 calls for, in part, a welding device including an adapter fluidly connected to a torch of the welding device without a manually adjusted valve therebetween and a gas cylinder that is automatically fluidly connected to the torch by translating the gas cylinder along a longitudinal axis of the gas cylinder and into contact with an adapter. DE '999.3 fails to teach or disclose a gas cylinder that is automatically fluidly connected to a welding device upon its translation into contact with an adapter body.

As described in the current application, gas cylinder 48 includes a neck portion 102 constructed to engage an adapter 54. *Application*, ¶35. The neck portion 102 includes an opening 108 therein in which a valve 110 integral to the gas cylinder is positioned to operatively separate an internal cavity 111 of gas cylinder 48 from atmosphere. *Id.* Valve 110 is biased to a closed position when gas cylinder 48 is separated from adapter 54. *Id.* When placed into contact with adapter 54, valve 110 is automatically actuated by way of a nipple 118 in adapter 54, which results in the immediate communication of gas from internal cavity 111 and through adapter 54 to welding device 10. *Application*, ¶36.

Conversely, DE '999.3 discloses a CO₂ welding set having a housing 2 that encloses a power source therein. DE '999.3, p. 3, lns. 6-15. A pressure bottle 1 containing CO₂ is also positioned within housing 2 and includes a threaded valve 6 thereon that controls gas flow from pressure bottle 1. *Id.* A pressure reducing valve 5 is positioned downstream from gas bottle 1 and valve 6 and controls gas pressure of CO₂ entering a gas hose in the CO₂ welding set. *Id.* at lns. 16-19. DE '999.3, however, does not teach or disclose that gas cylinder 1 is configured to automatically be in fluid communication upon connection to the welding set. Rather, as shown in the figure of DE '999.3, gas cylinder 1 includes a threaded valve 6 that is positioned in the gas path formed between pressure bottle 1 and pressure reducing valve 5 and that restricts air flow therebetween. Threaded valve 6 is shown as a traditional crank-type valve that must be manually opened and closed (i.e., turned) to control gas flow from pressure bottle 1. *See DE '999.3, Figure.* This is not what is set forth in claim 1, which calls for a gas cylinder that is automatically fluidly connected to a welding device upon its translation into contact with an adapter body. DE '999.3 fails to teach or disclose such a gas cylinder, but instead, requires installation of the gas cylinder and then an additional manual opening of a threaded valve to allow for the flow of a gas out from the gas cylinder. In light of the above, Applicant believes that claim 39, and the claims dependent therefrom, are patentably distinct over DE '999.3.

The Examiner rejected claim 49 under 102(b) over DE '999.3, stating that the cited reference discloses "the method of providing shielding gas comprising the steps of initiating an arc, opening the gas path to a gas system and providing shielding gas immediately upon connection of a gas source to the welding device (page 1)." *Office Action*, supra at 3. Applicant respectfully disagrees. Specifically, DE '999.3 does not teach or disclose a system allowing for providing shielding gas immediately upon connection of a gas source to a welding device.

Claim 49 calls for, in part, a method of providing shielding gas to a weld including the step of providing shielding gas immediately upon connection of a gas source to a welding-type device. As set forth above, DE '999.3 does not teach or disclose that gas cylinder 1 therein provides shielding gas immediately upon connection to the welding set. Rather, as shown in the figure of DE '999.3, pressure bottle 1 includes a threaded valve 6 thereon that controls gas flow from pressure bottle 1. The threaded valve 6 is shown as a traditional crank-type valve that must be manually opened and closed (i.e., turned) to control gas flow from pressure bottle 1 and restrict air flow therebetween. *See DE '999.3, Figure.* Thus, DE '999.3 does not teach or

disclose a method for providing shielding gas immediately upon connection of a gas source to a welding-type device, but a separate manipulation of the valve is required to provide shielding gas. As such, claim 49 and the claims dependent therefrom are patentably distinct over the cited reference.

The Examiner also rejected claim 51 under 102(b) over DE '999.3, stating that the cited reference discloses "the welding device comprising, means for generating power; means for providing shielding gas; and means for connecting the means for providing shielding gas and the means for generating power upon connection of the means for providing shielding gas and the means for generating welding power (figure)." *Office Action*, supra at 3. Applicant respectfully disagrees, as the cited reference does not teach or disclose means for fluidly connecting the means for providing shielding gas and the means for generating welding power upon connection of the means for providing shielding gas and the means for generating welding power as called for in claim 51.

DE '999.3 does not teach or disclose that gas cylinder 1 therein provides shielding gas immediately upon connection to the welding set. That is, gas cylinder 1 is not fluidly connected to the welding set based simply on its connection thereto. Rather, as shown in the figure of DE '999.3, pressure bottle 1 includes a threaded valve 6 thereon that must be actuated separately from the connection of the gas cylinder 1, as shown by the crank-type valve illustrated in the figure of DE '999.3. Thus, the cited reference does not teach or disclose a means for fluidly connecting the gas cylinder and the welding set merely by connection of one to the other. As such, claim 51 and the claims dependent therefrom are patentably distinct over the cited reference.

In addition to the above amendments and remarks, Applicant has also amended claim 45 to provide a proper antecedent basis. Claims 1-38 have been cancelled. Additionally, claims 53-56 have been newly added and are believed to be in condition for allowance, as they call for subject matter previously identified by the Examiner as being allowable and corresponding to claims 45-48.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 39-56.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

/Kevin R. Rosin/

¹Kevin R. Rosin
Registration No. 55,584
Phone 262-268-8100 ext. 15
krr@zpspatents.com

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P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100

¹The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2623. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2623. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2623.